

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:16-CV-238-BO

PATRICK L. MCCRORY, in his official )  
capacity as Governor of the State of North )  
Carolina, and FRANK PERRY, in his )  
official capacity as Secretary, North )  
Carolina Department of Public Safety, )  
Plaintiffs, )  
v. )  
UNITED STATES OF AMERICA, *et al.*, )  
Defendants. )


ORDER

There are currently pending in this district three separate suits regarding North Carolina's recently enacted Public Facilities Privacy and Security Act. The instant matter was filed by the Governor and the Secretary of Public Safety naming as defendants the United States, United States Department of Justice, United States Attorney General, and Principal Deputy Assistant Attorney General. A second case was filed by two leaders of the North Carolina General Assembly, also naming as defendants the United States Department of Justice, United States Attorney General, and Principal Deputy Assistant Attorney General. *Berger v. United States Dept. of Justice*, No. 5:16-CV-240-FL.

The General Assembly plaintiffs have moved to consolidate their case with this matter pursuant to Rule 42(a) of the Federal Rules of Civil Procedure, citing as the bases for consolidation the existence of the same or similar legal and factual issues and defendants. These are significant factors which would support consolidation of the two cases. Accordingly,

consolidation of case No. 5:16-CV-240-FL with this matter will be allowed if permitted by the judge to whom the General Assembly's case is currently assigned. The Court makes no determination as to the motion to consolidate filed by North Carolinians for Privacy, case No. 5:16-CV-245-FL, at this time.

SO ORDERED, this 26 day of May, 2016.

  
TERRENCE W. BOYLE  
UNITED STATES DISTRICT JUDGE